

REGULAR MEETING

January 11, 1999

The Regular Meeting of the Annapolis City Council was held on January 11, 1999 in the Council Chamber. David L. Smith, Director of Public Works, rang the bell to denote the 7:30 p.m. start time for the meeting. Mayor Johnson called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Public Works Director Smith, Human Resources Director Milburn, Central Services Officer Harrison

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 7:03 p.m., Monday, January 11, 1999 in the City Council Chamber.

Present: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer, City Attorney Goetzke, Human Resources Director Milburn and City Clerk Bembe.

By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(1)(i). The purpose of the meeting was the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The following action was taken:

(1) Confirmation of appointment of Public Works Director

Alderman Sachs moved to confirm the Mayor's appointment of David L. Smith as Public Works Director effective January 1, 1999 at a salary of \$83,109.62 per annum; grade C40, Step 11. Seconded. CARRIED on voice vote.

Alderman Moyer moved to approve the Minutes of December 14, 1998. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Greenscape Presentation

Steve Carr and Dawn Moyer gave a slide presentation on Greenscape.

2. Maria Casasco
OHLA, Inc.
77 West Street
Annapolis, MD 21401

Gave a community report regarding the Hispanic/Latin American communities in the City.

3. Nicolas Gomez, Chair

Human Relations Commission
28 Gentry Court
Annapolis, MD 21403

Spoke regarding OHLA, Inc.

4. Arthur Kunkle, Jr.
Box 365
Annapolis, MD 21404

Spoke regarding O-1-99 and Maryland and U.S.A. history.

5. Louise Beauregard
Christian Services USA
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding economic development.

6. Robert H. Eades, President
Annapolis Taxicab Drivers Association
144 O'Bery Court
Annapolis, MD 21401

Spoke regarding taxicab issues.

7. John Bryan, Jr.
200 Southvilla Avenue
Annapolis, MD 21401

Spoke regarding taxicab issues.

LEGISLATIVE ACTION

ORDINANCES

- O-40-98 For the purpose of exempting certain nonprofit, community and/or neighborhood functions from certain fees under certain conditions; and all matters relating to said exemption.**

There being no voiced objection, action on O-40-98 was postponed.

- O-44-98 For the purpose of establishing that members of committees, commissions, boards and authorities may be removed under circumstances; requiring that all boards, commissions and committees shall elect a chair and vice chair from among its membership; establishing that a board, commission or committee may adopt bylaws and rules; requiring all boards, commissions, and committees to file an annual report; and all matters relating to said boards, commissions and committees.**

Alderman Tolliver moved to adopt O-44-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-44-98.

Alderman Hammond moved to amend O-44-98 as follows:

Amendment No. 1:

On Page 2, line 12, immediately following “year” add “unless otherwise provided by law. The report shall include the attendance of each member.”

Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend O-44-98 as follows:

Amendment No. 2:

On Page 2, line 12, strike “March 1st” and substitute “January 15th”.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-44-98 as amended on third reading. Seconded. CARRIED on voice vote.

O-46-98 For the purpose of defining pit bull terrier dogs; providing for the licensing of said dogs; providing for the penalties for violation; providing exceptions; and all matters relating to said dogs.

Alderman Carter moved to postpone indefinitely O-46-98. Seconded. CARRIED on voice vote.

O-48-98 For the purpose of requiring all members of the Historic Preservation Commission to be City residents; establishing that the terms shall be staggered; and all matters relating to said Historic Preservation Commission.

Alderman Hammond moved to adopt O-48-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-48-98.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-48-98 on third reading. Seconded. CARRIED on voice vote.

O-55-98 For the purpose of adding offices located above the ground floor as a permitted use in the B1-A Expanded Convenience Shopping District and allowing such other substantially conforming uses as may be determined by the planning and zoning director; and all matters relating to said district.

Alderman Tolliver moved to adopt O-55-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-55-98.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-55-98 on third reading. Seconded. CARRIED on voice vote.

O-58-98 For the purpose of approving the lease of certain city owned real estate to Silver Queen Broadcasting Corporation (hereinafter called "SQBC"); and all matters relating to said lease.

Alderman Sachs moved to adopt O-58-98 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-58-98.
The Finance Committee reported favorably with amendments on O-58-98.

Alderman Sachs moved to amend O-58-98 as follows:

Amendment No. 1:

On Page 4, line 20, strike "six" and substitute "three"; on that same line strike "(6%)" and substitute "(3%)".

Seconded.

Central Services Officer Harrison spoke briefly and answered questions addressed by the Council.

The amendment CARRIED on voice vote.

Alderman Moyer moved to amend O-58-98 as follows:

Amendment No. 2:

On Page 4, line 28, strike "and on July 1st of each year thereafter,"; on that same page, beginning with line 29, strike "Five Dollars" through and including "month" on line 30 and substitute the following:

"whenever the City's per unit (BTU or kilowatt hour) heating or electric costs at the Premises increase. The increase in the Additional Rent shall equal to the percentage increase to the City's per unit increase."

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-58-98 as follows:

Amendment No. 3:

On Page 3, line 40, strike "ten (10)" and substitute "five (5)"; on that same page line 40, strike "three (3)" and substitute "four (4)"; and on that same page, line 43, strike "ten" and substitute "five".

Seconded.

Sunny Devese, Executive Vice President, Silver Queen Broadcasting Corporation, 112 Main Street, 3rd Floor, Annapolis, MD 21401, answered questions addressed by the Council.

The amendment CARRIED on voice vote.

Alderman Tolliver moved to table O-58-98. Seconded. DEFEATED on voice vote.

The main motion as amended CARRIED on voice vote. Alderman Tolliver abstained.

Alderman Sachs moved to adopt O-58-98 as amended on third reading. Seconded. CARRIED on voice vote. Alderman Tolliver abstained.

- O-1-99** For the purpose of clarifying and establishing certain violations of Title 11, Public Peace, Morals and Welfare, including those relating to disturbing the peace; repealing certain sections of Title 11 which are outdated or for which there are state laws governing the issues addressed therein; clarifying that violations of Title 11 shall be deemed misdemeanors subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 90 days; and all matters relating to said public peace, morals and welfare.

Alderman Hammond moved to adopt O-1-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee.

- O-2-99** For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2002 and October 2003, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Alderman Hammond moved to adopt O-2-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and Finance Committee.

- O-3-99** For the purpose of amending the regulation governing the location of off-street parking for the PT Office and Residential Transition District; and all matters relating to said district.

Alderman Sachs moved to adopt O-3-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

RESOLUTIONS

- R-1-99** For the purpose of approving the job description for the civil service position of Administrative Assistant to Harbormaster; establishing the pay grade for said job description; and all matters relating to said job description and pay grade.

Alderman Sachs moved to adopt R-1-99. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

- 1. Finance Committee Recommendations for Action dated December 17, 1998.**

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated December 17, 1998. Seconded. CARRIED on voice vote.

- 2. Payment of Monthly Bills**

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to approve the Mayor's appointments of the following individuals as set forth in Memoranda dated December 28, 1998 and January 6, 1999:

Maritime Advisory Board Scott H. Allan
 Susan Smith

Patricia L. Bembe, CMC/AAE
City Clerk